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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CONNIE DEVERS,  
  
Defendant.

CASE NO. CR S 10-223 JAM

STIPULATION REGARDING DEFENDANT'S  
COMPETENCY; FINDINGS AND ORDER

DATE: July 28, 2015

TIME: 9:15 a.m.

COURT: Hon. John A. Mendez

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a hearing on July 28, 2015 at 9:15 a.m.

2. The parties agree and stipulate, and request that the Court find the following:

a) On December 9, 2014, the Court found that the defendant was "presently suffering from a mental disease or defect rendering [her] mentally incompetent to the extent [she] is unable to understand the nature and consequences of the proceedings against [her] or to properly assist in [her] defense." 18 U.S.C. § 4241(d).

b) This finding was based upon the conclusions set forth in an evaluation report in which the examining physician stated that the defendant's cognitive impairment was a result of the treatment she is receiving for her illness, which has previously been disclosed to the Court.

1 c) Because of the defendant's physical condition, and the fact that her competency  
2 was being affected, at least in part, by necessary ongoing treatment, it was agreed that the  
3 defendant would not be committed to the custody of the Bureau of Prisons as required by the  
4 statute. Instead, the parties agreed to continue the matter and at a later date inform the Court as  
5 to the defendant's physical status, course of treatment, and competency.

6 d) In May of this year, counsel for the defendant provided additional medical records  
7 to the government for review. The government is unable to discern the defendant's current  
8 physical condition and prognosis from those records, and is in the process of retaining a  
9 consultant for the purpose of reviewing the records, and perhaps requesting additional medical  
10 records from the defendant. In addition, the records provided by the defendant do not address  
11 her current mental condition.

12 e) Accordingly, the parties request that this matter be continued for another four  
13 months, until December 1, 2015 at 9:15 a.m., so that the government may obtain additional  
14 medical records, assistance in reviewing those records, and attempt to accurately inform the  
15 Court as to the defendant's condition. The parties request that the Court vacate the hearing set  
16 for July 28, 2015.

17 f) Time should be excluded from computation under the Speedy Trial Act from the  
18 present date through December 1, 2015, pursuant to 18 U.S.C. § 3161(h)(4) [Local Code N].

19 IT IS SO STIPULATED.

20 Dated: July 27, 2015

BENJAMIN B. WAGNER  
United States Attorney

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23 /s/ PHILIP A. FERRARI  
PHILIP A. FERRARI  
Assistant United States Attorney

24  
25 Dated: July 27, 2015

26 /s/ Philip A. Ferrari for  
Mark Reichel, Esq.  
27 Counsel for Defendant  
28 Connie Devers

**FINDINGS AND ORDER**

The status conference currently set for July 28, 2015, is hereby vacated. This matter is set for a status conference on December 1, 2015 at 9:15 a.m.. The time between today's date and December 1, 2015, shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(4) [Local Code N].

IT IS SO FOUND AND ORDERED this 27th day of July, 2015

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE